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10/037,700	01/02/2002	Uwe Hansmann	DE920000104US1/2289P	7582

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EXAMINER	
AL HASHEMI, SANA A	

ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/037,700	HANSMANN ET AL.	
	Examiner	Art Unit	
	Sana Al-Hashemi	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 November 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is issued in response to applicant's amendment filed 11/1/04.

2. Claims 1-43 are pending.

Specification

The abstract of the disclosure is objected to because it is more than one paragraph, where it should be one paragraph and not more that 150 word. Correction is required. See MPEP § 608.01(b).

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application, filed on1/2/02.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1- 43 the preamble provides for the a method/process and use of minimizing code, but, since the body of the claims does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass and how the body of the claims will minimize the code. Claims 1-43 are indefinite where they merely recite a use without any active, positive steps delimiting how this use is actually practiced.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 –11, 13-24, and 26-43 are rejected under 35 U.S.C. as being anticipated by Bauer et al. (US Patent No. 6,591,272).

Regarding Claims 1, and 14, Bauer discloses a method and a computer readable for minimizing code needed in a client to synchronize data records in the client with data records in a server system, comprising the steps of:

(a) creating setup information in the client, wherein the setup information enables the server system to identify the client and to provide appropriate commands for the client (see columns 13, 14, lines 64-67, 1-6, respectively Bauer); and

(b) providing the setup information from the client to the server system to allow for synchronization of the data records (see column 9, lines 36-41, Bauer).

Regarding Claims 2, and 15, Bauer discloses a method wherein the client data records and the server system data records are stored in a respective client and server database, the method further including the steps of:

(c) detecting a changed record in the client database (see column 9, lines 48-53, Bauer);

(d) dumping the changed record as it exists in the client database (see column 9, lines 60-67, Bauer); and

(e) transmitting the changed record to the server system as it exists in the client database (see column 10, lines 12-23, Bauer).

Regarding Claims 3, and 16, Bauer discloses a method further comprising the steps of:

(f) processing the changed record by the server system (see column 10, lines 37-42, Bauer);

(g) compiling a program by the server system to update the client database (see column 9, lines 5-18, Bauer);

(h) transmitting the program to the client (see column 8, lines 30-41, Bauer); and

(i) executing the program by the client, wherein the client database is synchronized with the server database (see column 12, lines 10-12, Bauer).

Regarding Claims 4, and 17, Bauer discloses a method wherein the creating step (a) further includes providing information that describes a format of the data records stored in the client database and a list of commands executable by the client (see column 12, lines 10-22, Bauer).

Regarding Claims 5, and 18, Bauer discloses a method wherein the processing step (f) further includes:

(f1) retrieving a data record in the server database corresponding to the changed record (see column 9, lines 60-62, Bauer);

(f2) interpreting the changed record received from the client using the setup information (see column 9, lines 62-67, Bauer); and

(f3) updating the retrieved data from the server database (see column 8, lines 30-35, Bauer).

Regarding Claims 6, and 19, Bauer discloses a method further comprising the step of:

j) resolving any conflicts between the changed record transmitted by the client and the retrieved data (see column 11, lines 12-18, Bauer).

Regarding Claims 7, and 8, Bauer discloses a method wherein the setup information includes a header portion, wherein the interpreting step (f2) further includes using the header portion (see column 13, lines 64-67, Bauer).

Regarding Claim 9, Bauer discloses a method wherein the executing step (i) further comprises using an interpreter in the client (see column 14, liens 13-18, Bauer).

Regarding Claims 10, and 20, Bauer discloses a method wherein the compiling step (g) includes the step of providing object code compiled by the server system (see column 14, lines 48-65, Bauer).

Regarding Claim 11, Bauer discloses a method wherein the client data records and the server system data records are stored in a respective client and server database, and wherein the creating step (a) further includes providing information that describes a format of the data records stored in the client database and a list of commands executable by the client, the method further including the steps of (see column 14, lines 36-65, Bauer):

(c) retrieving a changed record in the server database (see column 2, lines 60-62, Bauer);

(d) compiling a program by the server system, wherein the program is for updating the client database(see column 2, liens 49-53, Bauer);

(e) transmitting the program to the client (see column 8, lines 30-41, Bauer); and

(f) executing the program by the client, thereby synchronizing the client database and the server database (see column 12, lines 10-12, Bauer).

Regarding Claim 21, Bauer discloses a client computer system for synchronizing data records stored on the client computer system with data records stored on a server system, the client computer system comprising:

a database for storing the data records (see column 6, liens 6-7, Bauer); and

a processor coupled to the database for creating setup information to the server system, wherein the setup information enables the server system to identify the client and to provide appropriate commands for the client (see column 6, lines 7-10, Bauer).

Regarding Claim 22, Bauer discloses a client computer system wherein the system further comprises:

means for detecting a changed record in the client database, and means for transmitting the changed record to the server system (see column 9, lines 62-67, Bauer).

Regarding Claim 23, Bauer discloses a client computer system wherein the processor further for executing a program compiled and transmitted by the server system, wherein the program updates and synchronizes the data records stored in the database (see column 10, lines 37-42, Bauer).

Regarding Claim 24, Bauer discloses a client computer system further comprising means for downloading and starting the program (see column 11, lines 25-30, Bauer[1]).

Regarding Claims 26, 30, and 37,Bauer discloses a server system for synchronizing data records stored on the server system with data records stored in a client computer system, the server system comprising:

[1] Examiner interprets the step of refreshing the client corresponds to download and start.

means for receiving setup information from the client computer system, wherein the setup information includes information to enable the server system to identify the client computer system and to provide appropriate commands for the client computer system (see column 16, lines 38-40, Bauer);

memory for storing the setup information coupled to the means for receiving (see Fig. 1, 10, Bauer);

a processor coupled to the memory (see Fig. 1, 20, Bauer); and

a database coupled to the processor for storing the server system data records (see column 15, lines 55-64, Bauer).

Regarding Claim 27, Bauer discloses a server system further comprising means for receiving a changed data record from the client computer system;

wherein, the setup information further describes a format of the data records stored in the client computer system, and the processor interprets the changed data record from the client computer system using the setup information, updates the database, and compiles a program comprising object code executable by the client computer system to update the client data records (see column 16, 48-56, Bauer).

Regarding Claim 28, Bauer discloses a server system further comprising means for detecting a changed data record in the database (see column 16, lines 57-59, Bauer);

wherein, the processor updates the database and compiles a program comprising object code executable by the client computer system to update the client data records (see column 16, lines 59-66, Bauer).

Regarding Claims 29, 31, and 38, Bauer discloses a server system further comprising means for transmitting the program to the client computer system (see column 17, lines 14-20, Bauer).

Regarding Claims 32, and 39, Bauer discloses a method further comprising the steps of:

(b) compiling a program by the server system to update the data records stored in the client computer system (see column 17, lines 21-24, Bauer); and

transmitting the program to the client computer system for execution (see column 12, lines 10-12, Bauer).

Regarding Claims 33, and 40, Bauer discloses a method wherein the setup information further includes information describing a format of the data records stored in the client computer system, and further comprising the steps of:

(b) retrieving a data record in the server system corresponding to a changed record transmitted from the client computer system (see column 17, lines 14-20, Bauer);

(c) interpreting the changed record using the setup information (see column 9, lines 62-67, Bauer); and

(d) updating the retrieved data record (see column 8, lines 30-35, Bauer).

Regarding Claims 34, and 41, Bauer discloses a method wherein the compiling step (b) further includes providing object code executable by the client computer system (see column 17, lines 49-54, Bauer).

Regarding Claim 35, and 42, Bauer discloses a method further comprising the step of:

(b) detecting a changed data record in the server system(see column 17, lines 64-67, Bauer).

Regarding Claims 36, and 43, Bauer discloses a method wherein the setup formation further includes information describing a format of the data records stored in the client computer system, further comprising the steps of:

(b) processing in the server system a changed data record transmitted from the client computer system, wherein the processing step (b) further includes:

(b1) retrieving a data record in the server system corresponding to the changed record (see column 17, lines 14-20, Bauer);

(b2) interpreting the changed record using the setup information (see column 9, lines 62-67, Bauer); and

(b3) updating the retrieved data record (see column 8, lines 30-35, Bauer);

(c) compiling a program by the server system to update the data records stored in the client computer system (see column 17, lines 21-24, Bauer); and

(d) transmitting the program to the client computer system for execution (see column12, lines 10-12, Bauer).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 12, 13 and 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer (US Patent No. 5,870,759) in view of Alam et al. (US Patent No. 6,324,544).

Regarding Claims 12, 13, and 25, Bauer discloses al the claimed limitation except for the client to be a mobile client. However, Alam teaches the method of synchronizing data between a mobile client and a database (see column 11, 12, lines 14-67, 1-63, respectively, Alam). It would have been obvious to one of ordinary skill in the art at the time of the invention to receives update and synchronize data from a handheld or mobile device/client with the motivation of providing access to all type of devices to store data in a database which has more space than the mobile devises which improve the speed of the mobile device and reduce the risk of loosing the data since it has been stored on a server.

Response to Amendment

Applicant's arguments filed 11/1/04 have been fully considered but they are not persuasive.

Applicant argues the 112 rejection stating, " The present claims are directed toward the minimizing code needed in a client when synchronizing data record."

Examiner maintain and finalize the 112 rejection since the body of the claims did not claim any code minimization and it was stated in the preamble which considered with no patentable weight and will not be treated as part of the claimed invention, if the applicant desire claim the code minimization need to claim it in the body of the claim.

Applicant argument with respect to claims 1, 14, 21, 26, and 30, that prior art fails to disclose the step of minimizing code needed on the client.

Examiner disagrees. Since the step of minimizing code is not part of the claimed invention, the prior art applied does not need to discloses it or teach it.

Applicant argues that the prior art fails to disclose the "setup information within the client."

Examiner disagrees. Since the applicant did not define the "setup information" in a specific way, Examiner interprets to be the rules that have been used by the system to complete the synchronization.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Sana Al-Hashemi whose telephone number is (571) 272-4013. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 872-9306. For formal or draft communications, please label "PROSPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6th Floor Receptionist, Arlington, Virginia. 22202.

Sana Al-Hashemi
Patent Examiner
Technology Center 2100
February 7, 2005

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PRIMARY EXAMINER